

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Christine Carlucci and Gerard Carlucci
For: Medical Tubing Securing Device
Serial No.: 09/930,398
Filed: August 15, 2001
Group: 3761
Examiner: Erez, Darwin P.
Atty Docket: 262.801

Request for Refund of Fee Paid for Two Month Extension of Time

Mail Stop 16
Director of the USPTO
PO Box 1450
Alexandria VA 22313-1450

This is a request for refund of the \$225 fee paid on December 11, 2006 for a two month extension of time under 37 CFR 1.136(a). The grounds for this request are as follows:

On July 11, 2006, a final rejection of the claims was mailed, stating as follows:

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTH of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Applicant filed a reply to the final rejection on August 9, 2006, i.e., within two months of the mailing of the final rejection.

On December 11, 2006, applicant filed a notice of appeal with a request for a two month extension of time.

On January 19, 2007, an Advisory Action was mailed, informing applicant that the reply filed August 9, 2006 failed to place the application in condition for allowance.

Applicant's notice of appeal, which was filed before the mailing of the Advisory Action, was within the shortened statutory period such that no extension of fee was required. Refund of the \$225 fee is therefore requested.

If there are any questions regarding this request, please contact the undersigned.

January 31, 2007

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